

Finally, the applicant submits that in calculating the countervailing duty, the defendant infringed Articles 5 and 7 of Regulation 2026/97, the Guidelines on the calculation of the amount of the subsidy in countervailing duty proceedings, Articles 14 and 19 of the WTO Agreement on Subsidies and Countervailing Measures, and committed a manifest error of assessment.

(1) OJ L 212 of 22 August 2003, p. 1.

(2) Council Regulation (EC) No 2026/97 of 6 October 1997 on protection against subsidized imports from countries not members of the European Community (OJ L 288, p. 1).

(3) See recital 48 and following of the contested decision.

Action brought on 17 November 2003 by Reti Televisive Italiane — RTI against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case T-384/03)

(2004/C 21/88)

(Language of the case: Italian)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) was brought before the Court of First Instance of the European Communities on 17 November 2003 by Reti Televisive Italiane — RTI, represented by Giorgio Florida and Raffaella Florida, lawyers.

Microarea SpA was also a party to the proceedings before the Board of Appeal.

The applicant claims that the Court should:

- annul the decision of 11 September 2003 of the First Board of Appeal; or
- in the alternative, interpret the decision of the Opposition Division No 2637/2002 of 30 August 2002 on Opposition No B321994 to the effect that it does not preclude the valid registration of the trade mark 'Jumpy' to distinguish it from the similarly-named Internet portal;
- make an order pursuant to Article 87(2) of the Rules of Procedure requiring the defendant, as the unsuccessful party, to pay the costs.

Pleas in law and main arguments

Applicant for registration of the Community trade mark: Europortal Italia SpA, succeeded by the applicant.

Community trade mark sought: Word mark 'Jumpy' — registration application No 1.332.006, registration sought in respect of a number of goods in Classes 9 and 16.

Proprietor of mark or sign cited in the opposition proceedings: Microarea SpA.

Mark or sign cited in opposition: Italian word mark 'Jump' for goods in Classes 9 and 16.

Decision of the Opposition Division: Opposition upheld and application rejected.

Decision of the Board of Appeal: Appeal dismissed.

Pleas in law: Misapplication of Article 8(1)(b) of Regulation No 40/94 ('likelihood of confusion').

Action brought on 25 November 2003 by Proteome, Inc against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM)

(Case T-387/03)

(2004/C 21/89)

(Language of the case: English)

An action against the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) was brought before the Court of First Instance of the European Communities on 25 November 2003 by Proteome, Inc., Beverley, Massachusetts, USA, represented by Dr Michael Edenborough, Barrister, Mr Cerryg Jones, Ms Alexandra Brodie and Ms Carina Loweth Solicitors.